

RECEIVED
IN ALEXANDRIA, LA.
JUN 16 2009
BY TONY R. MOORE, CLERK
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

ALBERT GREEN, III
LA. DOC #479193
VS.

CIVIL ACTION NO. 09-0224

SECTION P

JUDGE TRIMBLE

WARDEN, BOSSIER PARISH MEDIUM
CORRECTIONAL CENTER


MAGISTRATE JUDGE KIRK

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED that this petition for *habeas corpus* be **DENIED AND DISMISSED WITH PREJUDICE** because petitioner's claims are barred by the one-year limitation period codified at 28 U.S.C. §2244(d) and he is not eligible for the benefits of either statutory or equitable tolling.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this 16th day of June, 2009.


JAMES T. TRIMBLE
UNITED STATES DISTRICT JUDGE